

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE:) NO: 08-50141-399
) CHAPTER 13
Eric & Jean Adlersfluegel,)
) Motion No.
Debtors.) Hearing Date: 10/21/10
) Hearing Time: 9:00 a.m.
) Location: St. Louis Courtroom 5 North

TRUSTEE'S OBJECTION TO FIRST AMENDED CHAPTER 13 PLAN
Comes now John V. LaBarge, Jr., Standing Chapter 13

Trustee, and states as follows:

1. The First Amended Plan proposes the following changes to the confirmed plan:
 - a) It reduces the final 42 payments from \$1,060.00 to \$810.00.
 - b) It reduces the plan base by \$10,500.00.
2. The Trustee requests the following:
 - a) A copy of two paystubs recently issued to each Debtor (issued between 9/1/10 and the present).
 - b) A copy of Debtors' U.S. and Missouri income tax returns for 2008 and 2009.
3. The First Amended Plan is not in the "Best Interest of Creditors" as required by 11 U.S.C. 1325(a)(4) and is not proposed in good faith as required by 11 U.S.C. 1325(a)(3) because:
 - a) The confirmed plan guarantees \$27,450.00 to non-priority

unsecured creditors based on non-exempt equity in two unencumbered 290' X 80' recreational/investment lots.

b) The First Amended Plan reduces the guarantee to \$24,600.00 without explanation.

c) Res judicata precludes Debtors from relitigating the dollar amount required to satisfy the "Best Interest of Creditors" test.

d) The guarantee of \$27,450.00 is binding on Debtors and creditors pursuant to 11 U.S.C. 1327(a).

WHEREFORE, the Trustee prays that the Court deny confirmation of Debtors' First Amended Chapter 13 Plan; and for such other relief as this Honorable Court deems necessary and just under the circumstances.

/s/ Joseph M. Wilson
John V. LaBarge, Jr.
Chapter 13 Trustee
Joseph M. Wilson
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above Trustee's Objection was served this 8th day of October 2010, by depositing same in the U.S. mail, postage pre-paid, addressed to:

/s/ Joseph M. Wilson

Heagler Law Firm
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